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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,124	01/03/2002	Walter E. Krumm SR.	6811-1	1033

7590

01/17/2003

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,124

Applicant(s)

Krumm, Sr., et al.

Examiner

Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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Specification

1. The disclosure is objected to because of the following informalities: it is not clear why the only copy of the specification text in the application includes the heading "Substitute Specification"; on page 4, lines 11-15, the reference to "pages 1 and 2 of attached appendix A" is not clear as there appears to be no attached appendix. If this text refers to the pages of the drawings, then reference should be made in the Brief Description of the Drawings.

Appropriate correction is required.

Claim Objections

2. Claims 16 and 17 are objected to because of the following informalities: claim 16 has been written so as to depend from claim 2 which has been; claim 17 depends from claim 16. Lacking any evidence to the contrary, claim 16 is being assumed dependent from claim 1. Further, claims 8 and 16 are objected to as they both recite the same limitations in the case of claim 16 being understood to depend from claim 1. One of these claims should be canceled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 9, line 3, "said movably attached support ring" lacks a clear antecedent basis in view of the recitation of the support ring in claim 1; in claim 14, line 2, "said block" lacks a clear antecedent basis, applicant may have desired to write claim 14 as being dependent from claim 12 rather than claim 11.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-9 and 16-20 (claim 16 understood as being dependent from claim 1) are rejected under 35 U.S.C. 103(a) as being unpatentable over Virnig (US 3,830,387-- cited in the previous application, and by applicant in the instant IDS) in view of Gunlock et al. (US 5,378,004-- again, cited in the previous application, and by applicant in the instant IDS). Virnig teaches a cart having a body (20) and a plurality of spaced wheels (38) attached to the body, a partial support ring (74, 76) rotatably attached to the body (through 16, 78, 80, 82), a handle (64) which extends in a transverse direction (i.e., orthogonally) with respect to an extension (54) in a direction away from the wheels, and including a lock (88, 90, 91, 92, 94, 95) for restricting movement of the ring portions, the ring portions each including blocking portions (85) for reducing the effective inner diameter of the ring portions. The reference of Virnig fails to teach the ring portions as a single ring having a flexibility and an open mouth portion.

Gunlock et al. teach a cart having a body (26) with a single flexible support ring (610) pivotally mounted (618a, 618b) on the body, and including two end portions (614, 615) between which a mouth is formed. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the dual ring portions of the cart of Virnig with the single flexible ring taught by Gunlock et al. for the purpose of allowing the ring to be used as a band clamp in order to facilitate positive retention of a brake drum under numerous loading conditions.

As regards claim 20, the reference of Virnig as modified by Gunlock et al. fails to teach the block portions as being removably attached to the ring portions, however making an integral element removable for the purpose of reconfiguration is well known in the art, and as such, it

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would have been obvious to one of ordinary skill in the art at the time of the invention to make the block portions (85) removable from the ring portions (e.g., through a screw and threaded aperture connection) for the purpose of allowing reconfiguration of the ring portions.

6. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Virnig in view of Gunlock et al. and Martin et al. (US 5,513,939-- cited in the previous application and by applicant in the instant IDS). The reference of Virnig as modified by Gunlock et al. fails to teach a locking chain with an S-hook for engaging the drum. Martin et al. teach a carrier for an elongated cylindrical tank, the cart including a chain (32) connected to a handle with a loop-shaped hook (30), the chain further having an s-hook (34) for engaging a portion of the tank for securing it when the cart is in use. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a chain, attaching hook and s-hook as taught by Martin et al. to the cart of Virnig as modified by Gunlock et al. such that it may engage the item carried (i.e., Virnig's or Gunlock's brake drum) for the purpose of securing the item such that it may be easily controlled and manipulated upon release of the lock.

As regards claim 13, the reference of Virnig as modified by Gunlock et al. and Martin et al. fails to teach the block portions as being removably attached to the ring portions, however making an integral element removable for the purpose of reconfiguration is well known in the art, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the block portions (85) removable from the ring portions (e.g., through a screw and threaded aperture connection) for the purpose of allowing reconfiguration of the ring portions.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mosher et al. (US 5,975,543, US 6,120,042, and US 6,332,620), Rawlings (US

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6,382,644), Casper (US 6,413,032), Morlot (FR 2,634,716), and Kazavtotranstekhnik (SU 1,646,938) teach carriers of pertinence.

8. This is a Continuation of applicant's earlier Application No. 09/498,760. All claims are drawn to the same invention claimed in the earlier application and were finally rejected on the grounds and art of record in the last Office action in that application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 3618.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry; informal or draft communications may be faxed to the same number but should be clearly labeled "UNOFFICIAL" or "DRAFT")

The Office has also established electronic fax servers for Technology Center 3600 as follows:

703-872-9326 (Official communications)

703-872-9327 (Official After Final communications)

703-872-9325 (Customer Service)

F. VANAMAN
Primary Examiner
Art Unit 3618

F. Vanaman
January 14, 2003



1/14/03